

TIPPECANOE COUNTY DRAINAGE BOARD

May 6, 2020

Jeremiah Edwards Regulated Drain 130 Reconstruction Hearing

Those present were:

Tippecanoe County Drainage Board President Thomas P. Murtaugh, Vice President David S. Byers, member Tracy A. Brown, County Surveyor Zachariah Beasley, Drainage Board Attorney Doug Masson and Drainage Board Executive Administrator Brenda Garrison. Due to Covid-19 pandemic guidelines; Engineering Consultants; Dave Eichelberger from Christopher B. Burke Engineering LLC, Michelle Watts from Butler Fairman and Siefert.

President Thomas Murtaugh opened the Drainage Board Hearing for the Jeremiah Edwards Regulated Drain Reconstruction. He referred to the Surveyor for his report.

The Surveyor read his report as follows: Jeremiah Edwards #130 Regulated Drain Reconstruction Report dated March 26, 2020. The Jeremiah Edwards drain was originally established in January of 1911 by the Tippecanoe County Superior Court Case No. 9670, File Box 406, Mortgage Record 96, page 78. In 1972 a maintenance hearing was held by the Tippecanoe County Drainage Board with landowners present but the meeting minutes are unclear as to why a maintenance rate was not established at that time. Currently the regulated drain does not have a maintenance fund. The drain consists of 393.57 acres and is located in Sections 34 and 35 of Township 24 North and Range 6 West, Sections 2 and 3 of Township 23 North and Range 6 West in the political township of Shelby, Tippecanoe County, Indiana. This reconstruction project will consist of 3351 lineal feet of 24 inch tile, 1700 lineal feet of 18 inch tile, 1400 lineal feet of 15 inch tile and 1625 lineal feet of 10 inch tile. The installation of this infrastructure will provide positive drainage in the watershed. It is the recommendation of the Tippecanoe County Surveyor that a sum of \$247,775.00 is needed to reconstruct the existing tile drainage system. A reconstruction assessment rate of \$127.00 per acre and a \$50.00 minimum over a five (5) year period are recommended. This will generate \$250,096.50 over a five (5) year period. Assuming the reconstruction project has been completed after five (5) years, the per acre assessment will be lowered to a maintenance rate of \$7.50 per acre and a \$35.00 minimum over an eight (8) year period are recommended. This will generate \$24,601.24 over an eight (8) year period. It is the professional judgement of the Tippecanoe County Surveyor these rates will allow for the needed reconstruction and provide funds for future maintenance on this tile drainage system. Respectfully Submitted by Zach Beasley

The Surveyor stated he had held an informal meeting on this project (petition driven) and noted approximately seventy-five to eighty percent (75-80%) of the benefited acreage were owned by landowners in favor of the project. Responding to David Byers inquiry, the Surveyor reviewed the area for the Board and confirmed it was a total reconstruction of the outdated tile system. He indicated the watershed area and the existing tile location areas on the screen in Shelby Township and referred to the Board. He stated the current tile system was dilapidated and blowing water to the surface. He reviewed the proposed reconstruction with the Board on the screen for attendees (in person and virtual attendees). The Surveyor noted no objections were received by the Surveyor's office on this project.

Thomas Murtaugh asked for public comment. There was no public comment. He referred to the Attorney.

Attorney Masson read his recommended order to the Board as follows:

Before the Tippecanoe County Drainage Board, in the matter of the Jeremiah Edwards #130 Regulated Drain. "Findings and Order Reconstruction and Annual Maintenance":

This matter came to be heard upon the reconstruction report and schedule of assessments as prepared by the Tippecanoe County Surveyor and filed on March 26, 2020 The certificate of mailing of notice of time and place of hearing, to all affected landowners was filed. Notice of publication of time and place of hearing in the Journal and Courier, Lafayette Indiana were filed. Objections were not filed. Evidence was presented by the Tippecanoe County Surveyor. A list of those present is filed herewith. (Note: Landowner Kenney Kerker West Lafayette Indiana was in attendance)

After consideration of all the evidence, the Board does now FIND THAT:

- (1) The reconstruction report of the Surveyor and the schedules of assessments as determined by the board have been filed and are available for inspection in the office of the Surveyor.
- (2) Notice of filing of the reconstruction report and the schedule of assessments and their availability for inspection and the time and place of this hearing was mailed to all those landowners affected more than thirty (30) and less than forty (40) days before the date of this hearing.

- (3) Notice of the time and place of this hearing was given by publication in the Journal & Courier newspaper of general circulation in Tippecanoe County, Indiana more than ten (10) days prior to this hearing.
- (4) The legal drain consists of 0 feet of open ditch, 3,350 lineal feet of 24-inch tile, 1,700 lineal feet of 18-inch tile, 1,400 lineal feet of 15-inch tile and 1,625 lineal feet of 10-inch tile.
- (5) The present condition of the ditch is poor and in need of reconstruction.
- (6) The ditch needs the following reconstruction and maintenance at present:
3,351 lineal feet of 24-inch tile, 1,700 lineal feet of 18-inch tile, 1,400 lineal feet of 15-inch tile and 1,625 lineal feet of 10-inch tile.
- (7) There is now \$2,900.00 owed to the General Drain Fund for past maintenance on this ditch.
- (8) The ditch drains 393.57 acres total.
- (9) Estimated cost of reconstruction is \$247,775.00. Estimated annual cost of maintenance is \$3,075.16. (\$24,601.24 -8-year collection total)
- (10) Estimated benefits to the land exceed repair and reconstruction costs.
- (11) A fund for reconstruction and annual maintenance should be established.
- (12) In order to provide the necessary reconstruction and maintenance: a reconstruction fund should be established at the annual rate of \$127.00 per acre and \$50.00 minimum and the maintenance fund established at the annual rate of \$7.50 per acre and \$35.00 minimum for an eight (8) year period as benefited.
- (13) The schedule of assessments in the reconstruction and maintenance are accurate and the Board hereby incorporates them by reference.
- (14) The assessment lists filed herewith is fair and equitable and should be adopted.
- (15) The assessments should be collected with the May 10, 2021 taxes.

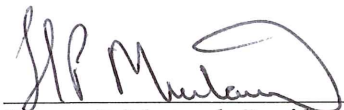
NOW, THEREFORE, IT IS ORDERED THAT:

- (16) A reconstruction and maintenance fund is established for the Jeremiah Edwards Regulated Drain #130. The reconstruction fund is established at the annual rate of \$127.00 per acre and \$50.00 minimum and the maintenance fund is established at the annual rate of \$7.50 per acre and \$35.00 minimum for an eight (8) year period as benefited.
- (17) The schedule of assessments for the reconstruction and annual maintenance filed here are adopted and made a part hereof.
- (18) The first annual assessment shall be collected with the May 10, 2021 taxes.


Responding to David Byers inquiry, the Surveyor stated he planned to complete the reconstruction on the drain this year. Nathan Linder (from YouTube virtual attendance) asked if the reconstruction would include the tile to the west of their home location. The surveyor stated yes it was included in the project scope. There was no other public comment.


David Byers made a motion to approve the Findings and Order as recommended by the Attorney and read into the minutes. Tracy Brown seconded the motion. Motion carried.

Tracy Brown made a motion to adjourn. The Hearing was adjourned.


Thomas P. Murtaugh, President


David S. Byers, Vice President


Tracy A. Brown, Member


Brenda Garrison, Executive Administrator